

## **REMARKS**

The following remarks are submitted to address all issues in this case, and to put this case in condition for allowance. Amendments to the claims are made solely to better define the subject matter of the present invention and do not add any new matter. Application claims 1-36 are pending in the application. Application claims 1, 29, 30, and 31 are independent.

Applicant has studied the Office Action Mailed June 25, 2007 and has the following remarks.

### **Specification**

The Examiner objected to the wording in the specification as U.S. Patent Application Serial No. 09/829,157 has matured into a patent. Applicant has amended the specification to include the resultant patent number which is believed to resolve the Examiner's objection.

### **35 U.S.C. §102 and §103**

The Examiner rejected claims 31, 32, and 34 as anticipated by Brain (US 5,391,248) and claims 1-30, 33 and 35-36 as rendered obvious in light of Brain. Applicant respectfully traverses these rejections as Brain does not render the claims anticipated or obvious as Brain does not show a method of making a non-inverted laryngeal airway. Specifically, it does not show a method of molding a laryngeal airway wherein the internal walls of the mold conform to external walls of the laryngeal airway as described in the independent claims.

Applicant asserts that the cited art in Brain discloses a method of molding an intermediate product of a laryngeal airway, not a laryngeal airway. Specifically, Brain constructs a device (called an "intermediate" in Brain) where the internal walls of the mold conform to the internal

walls of the laryngeal airway, not to the external walls of the laryngeal airway as discussed in the present claims and a laryngeal airway is only produced by the method of Brain after inversion of the intermediate.

As seen in Brain, the “peripherally continuous space 28 between core 20 and the cooperating outer mould [sic] parts 20, 21, 23, 24 will be seen to account for the moulded [sic] intermediate product of FIG. 2” (Col. 4, lines 62-65). Brain forms “the device in an inverted form.” (Abstract) Brain teaches that only after the molded material has cured inside the mold may the laryngeal airway be formed by inversion of the molded device which reverses the intermediate product and forms the resultant laryngeal airway (see Col. 5, lines 30-38). Due to this inversion process, the external walls of the laryngeal airway are conformed to the core while the internal walls of the laryngeal airway conform to the internal walls of the mold.

Brain therefore does not show a method of making a laryngeal airway wherein the internal walls of the mold conform to the external walls of the laryngeal airway producing the airway in a non-inverted form as claimed by the present claims. Brain forms an intermediate product which requires inversion to produce a laryngeal airway and the internal walls of the mold conform to the internal walls of the laryngeal airway counter to the methods of the present claims.

Brain actually specifically teaches away from molding the laryngeal airway in a non-inverted form stating: “The molded part must therefore be inverted before it takes up the desired shape.” (Col. 3, lines 15-16 [emphasis added]). As Brain clearly contemplates molding only in an inverted form, it would be counter-intuitive for the method of Brain to produce a device in a non-inverted form.

As Brain fails to teach or suggest (and in fact teaches away from) a method whereby a laryngeal airway is formed inside a mold in a non-inverted form where the external walls of the laryngeal airway conform to the internal walls of the mold, Brain cannot anticipate or render obvious the elements of the independent claims, and therefore cannot render obvious any claims which depend therefrom.

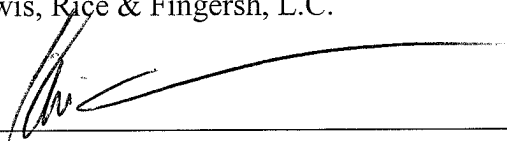
### **Conclusion**

In light of the above, Applicant believes there are no further issues regarding the patentability of the pending claims and respectfully requests the Examiner withdraw his rejections and allow all pending claims so that this case can pass on to issue.

Applicant includes herewith a petition for a one month extension of time and the associated petition fee. Applicant believes no additional fees are due in conjunction with this filing, however, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If any questions remain, applicants respectfully request a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,  
Lewis, Rice & Fingersh, L.C.



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